CLIENT ALERTS & INSIGHTS

DOJ Solidifies Its Universal Policy for Corporate Cooperation Credits

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Featured Practices: White Collar, Government Investigations & Regulatory Compliance

Key Takeaways:

- **The U.S. Department of Justice created a single, uniform corporate cooperation and criminal enforcement policy.** The new Corporate Enforcement and Voluntary Self-Disclosure Policy ("CEP") replaces all prior component and district-specific policies to promote consistency, transparency, and fairness across DOJ.
- **Early voluntary self-disclosure brings significant benefits.** Companies that promptly self-report misconduct, cooperate fully, and remediate can receive declinations (while paying disgorgement and restitution), and even when aggravating factors exist, prosecutors retain discretion to recommend favorable outcomes.
- **Strong incentives exist even when declination is unavailable.** Companies that self-report but do not meet declination standards may still receive substantial benefits, such as non-prosecution agreements, no compliance monitor, or major reductions in fines.

On March 10, 2026, the U.S. Department of Justice unveiled the first-ever, department-wide corporate criminal enforcement policy aimed at providing a pathway towards protections for companies that voluntarily disclose criminal misconduct, cooperate with DOJ investigations, and remediate the misconduct.[1] Under the CEP, individuals may not only avoid prosecution but will also be eligible for broad incentives. Importantly, in its announcement of the new policy, DOJ made clear this new policy "supersed[es] all component-specific or U.S. Attorney's Office-specific corporate enforcement policies currently in effect," including the Southern District of New York's recently issued corporate enforcement policy.[2]

The new policy highlights DOJ's desire to promote increased uniformity, transparency, and fairness across components and U.S. Attorney's offices, encouraging corporations to "come forward and do the right thing when misconduct occurs so that we may hold accountable the individual wrongdoers."[3] Deputy Attorney General Todd Blanche advised that the Department intends to continue to pursue "appropriate resolutions" against corporations and individuals that commit white collar offenses.

The new 10-page policy revamped the original 2016 corporate enforcement policy that saw disparate implementation across jurisdictions. As Assistant Attorney General A. Tysen Duva

described, “our prosecutors will continue to reward good corporate behavior, seek individual accountability, and root out criminal conduct in our mission to protect the American people.”[4]

The universal policy outlines six distinct goals: 1) drive early, voluntary self-disclosure of criminal conduct; 2) promote timely and effective enforcement of criminal laws, including holding culpable individuals accountable; 3) reduce harm; 4) facilitate prompt remedial action; 5) help ensure consistency across the Department; and 6) transparently describe the Department’s policies and decision making.

The CEP details the process to secure declinations from DOJ and reinforces the prior practice that all corporate declinations will remain public information.[5] Similar to prior policies, to secure a declination, the company must voluntarily self-disclose the misconduct, cooperate with the Department’s investigation, and remediate the misconduct in a timely fashion. To qualify as a voluntary self-disclosure, the report must occur early and temporally close to the initial discovery by the company (even before an internal investigation has been completed), not be misconduct previously known to the Department, and must not be misconduct separately required to be disclosed. Additionally, the company must not have any aggravating circumstances surrounding the voluntary self-disclosure. Such aggravating circumstances include those “related to the nature and seriousness of the offense, egregiousness or pervasiveness of the misconduct within the company, severity of the harm caused by the misconduct, or corporate recidivism, specifically, a criminal adjudication or resolution either within the last five years or otherwise based on similar misconduct by the entity engaged in the current misconduct.”[6] If a prosecutor determines the company experienced aggravating circumstances, they will have discretion to recommend a declination despite those circumstances. “As part of a CEP declination, the company is required to pay all disgorgement/forfeiture as well as restitution/victim compensation payment resulting from the conduct.”[7]

The policy also provides incentives to self-report, even where a company would not qualify for a declination because the disclosure does not meet the definition of a voluntary self-disclosure or aggravating factors are present. In such instances, DOJ shall resolve the case with a non-prosecution agreement of less than three years-without requiring an independent compliance monitor-or reduce the U.S. Sentencing Guidelines fine range between 50-75%. Prosecutors remain empowered to determine an appropriate resolution for companies that do not meet the requirements for either of the above two programs.

The CEP announcement follows the corporate enforcement strategy detailed by former Deputy Attorney General Lisa Monaco in September 2022, which directed each division of DOJ to adopt a written policy to incentivize voluntary self-disclosures.[8] Monaco’s guidance encouraged a reduction in criminal guilty pleas when a corporation self-reports.

If your company is looking to navigate the voluntary self-disclosure process or is interested in conducting an internal investigation surrounding potential criminal liability, contact Benesch’s White Collar, Government Investigations, and Regulatory Compliance department. We stand ready to assist in complying with the CEP disclosure and enforcement requirements.

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[1] The policy excludes antitrust enforcement matters. U.S. Dep’t of Just., *Corporate Enforcement and Voluntary Self-Disclosure Policy*

(Mar. 10, 2026), https://www.justice.gov/criminal/media/1400031/dl?inline.

[2] Press Release, Office of Pub. Affairs, DOJ, *Department of Justice Releases First-Ever Corporate Enforcement Policy for All Criminal Cases* (Mar. 10, 2026), https://www.justice.gov/opa/pr/department-justice-releases-first-ever-corporate-enforcement-policy-all-crir

[3] *Id.*

[4] *Id.*

[5] A declination pursuant to the FCPA Corporate Enforcement Policy is a case that would have been prosecuted or criminally resolved expect for the company's voluntary disclosure, full cooperation, remediation, and payment of disgorgement, forfeiture, and/or restitution. Declinations awarded under the FCPA Corporate Enforcement Policy will be made public. *See* 9-47.120 - Criminal Division Corporate Enforcement and Voluntary Self-Disclosure Policy at 1.

[6] U.S. Dep't of Just. *supra* note 1 at Part I..

[7] *Id.*

[8] U.S. Dep't of Just., Further Revisions to Corporate Criminal Enforcement Policies Following Discussions with Corporate Crime Advisory Group (2022), https://www.justice.gov/d9/pages/attachments/2022/09/15/2022.09.15_ccag_memo.pdf.